

CLASSIFICATION OFFICE DECISION

Title of publication: 000288_Carved

Other known title(s): Not stated

OFLC ref: 2000330.015

Medium: Image File

Maker: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 25 November 2020

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 25 November 2020

Summary of reasons for decision:

The image file depicts a naked female in a non-sexual situation, with a URL for a provocatively titled website. The Classification Office has considered whether the female subject in the image presents as a young person and has concluded that there is not enough information available in the image to determine this with any degree of certainty. While she could be a young person she might just as easily be a young adult. Therefore it would be unreasonable to conclude that she is a young person. However, the image invites a sexual gaze and its unrestricted availability is still likely to be injurious to the public good. Society perceives a harm in exposing young people to sexualised images before they are developmentally ready. Children, in particular are likely to find the image confronting and confusing. The image, however, does not warrant a restriction to adults due to its inexplicit nature. The least restrictive classification that will prevent injury to the public good is R16. While this restriction limits the right to freedom of expression as provided by the New Zealand Bill of Rights Act 1990, it is the lowest reasonable restriction that can be applied in the interest of preventing injury to the public good.